

Docket No.: A-2899

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Laurence A. Greenberg

December 1, 2008
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/923,696	Confirmation No.:	1563
Inventor	:	Martin Gutfleisch, et al.		
Filing Date	:	August 6, 2001		
Title	:	Method and Device for Clearing a Re-Imageable Printing Form		
TC/AU	:	2854		
Examiner	:	Anthony H. Nguyen		
Customer No.	:	24131		

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

REQUEST FOR REHEARING UNDER 37 CFR 41.52

Sir:

In response to the *Decision on Appeal* dated September 30, 2008, Appellants submit herewith a *Request for Rehearing* under 37 CFR 41.52 because the following points are believed to have been misapprehended or overlooked by the Board.

In the *Decision on Appeal* the rejections of Claims 1-3, 5-12, 14-18, and 20-26 are reversed and a new ground of rejection for these claims is entered; the rejections of claims 4, 13, and 19 are sustained.

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All rejections in the above-mentioned *Decision on Appeal* are based on the prior art reference Koguchi (US 6,082,263). On page 12 of the *Decision on Appeal*, the Board states that Koguchi discloses a fluid clearing medium by teaching an aqueous rinse solution for further treatment of a printing form.

This interpretation of the teaching of Koguchi is incorrect. Col. 12, lines 4 to 14 of Koguchi teach the following: "After writing an image in heat mode on the surface of the plate material which has been exposed to active light, the plate material can be used as a printing plate without development. Though the non-imaged region of the resulting printing plate 3' is sufficiently rendered hydrophilic, the printing plate 3' may be subjected to, if desired, post-treatment by use of a rinse solution" Thus, the teaching of Koguchi is as follows: a plate material is exposed to active light (UV) and thereby cleared from all image information (in the sense of "converting back the entire surface of the printing form to a uniform hydrophilic or lipophilic state, after the step of removing residual ink from the surface of the printing plate"; see page 7 of above-mentioned *Decision on Appeal*). Then, an image is written into the plate material in heat mode (IR). After clearing (UV) and imaging (IR) the plate material, it is sufficiently rendered hydrophilic and therefore it is not necessary to use any post treatment/developing before printing with the cleared and newly imaged printing material. If desired, a post treatment/developing by use of a rinse solution can follow the imaging step, but this post treatment by use of a rinse solution does not clear the plate material (again in the sense of "converting back...").

The misinterpretation of the Board with regard to Koguchi is based on interpretation of the rinse solution as a "clearing solution," but the rinse solution is in fact only a "developing solution." The step of developing is an optional step during the treatment of printing plate material and a person skilled in the art would know that the developing step does not clear a printing plate but improves the hydrophilicity of an already cleared printing plate surface. If the rinse solution instead of the UV light would be used to clear the image information the following would happen: the image information would be improved instead of cleared. **It is simply not possible to clear an imaged plate material with a developer.** That is because the

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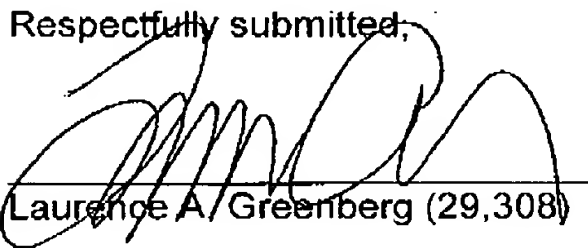
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developer does not convert back the entire surface of the printing form to a uniform hydrophilic or lipophilic state but improves the non-uniform state.

In consideration of the above, the Board is requested to reverse all the rejections in connection with Koguchi.

Please charge any fees which might be due to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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